

01/11/00  
REQUEST FOR FILING CONTINUATION PATENT APPLICATION  
(Under 37 CFR § 1.53(b))  
WHITMAN BREED ABBOTT & MORGAN LLP

File No. 0039096-0030

01/10/00  
jc535 U.S. PTO

PRIOR APPLICATION: 08/474,927	
EXAMINER: A. Chakrabarti	ART UNIT 1655
ANTICIPATED CLASSIFICATION OF THIS APPLICATION:	
CLASS	SUBCLASS

EXPRESS MAIL

Mailing label number: EI465104120US  
Date of Deposit: January 10, 2000

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, BOX APPLICATION, Washington, D.C. 20231.

*N. Garivandam*  
(Typed or printed name of person mailing paper or fee)

*N. Garivandam*  
(Signature of person mailing paper or fee)

ASST. COMMISSIONER FOR PATENTS  
BOX APPLICATION  
WASHINGTON, D.C. 20231

Sir:

This is a Request for filing a X continuation,    divisional application under 37 CFR §1.53(b) of pending prior application Serial No. 08/474,927, filed on June 7, 1995, by Kenten et al. and currently entitled ***Cycling DNA/RNA Amplification Electrochemiluminescent Probe Assay.***

1. X Enclosed is a copy of the latest inventor signed prior application, including the oath or declaration as originally filed. I hereby verify to the best of my information and belief that the attached papers are a true copy of the latest inventor signed prior application Serial No. 08/474,927 as originally filed on June 7, 1995.
2. X The filing fee is calculated on the basis of the claims existing in the prior application, less any claims cancelled by amendment at paragraph 5 below, as follows:

(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS	20	0	x \$22.00	\$ 0
INDEPENDENT CLAIMS	3	0	x \$39.00	0
MULTIPLE DEPENDENT CLAIMS(S) (IF APPLICABLE)			+ \$	0
			BASIC FEE	+ \$ 380.00
			Total of above Calculations	\$380.00
Reduction by 1/2 for filing by small entity (Note: 37 CFR § 1.9, § 2.37, § 1.28). If applicable, verified statement must be attached or already be on file in prior application.				
			TOTAL FILING FEE	\$380.00

3. X The Commissioner is hereby authorized to charge fees under 37 CFR § 1.16 (for filing) and § 1.17 (for prosecution) which may be required with respect to the papers filed herewith, (X and also any additional such fees which may be required during the entire pendency of this application, \_ and also the issue fee under 37 CFR 1.18), or credit any overpayment, to Deposit Account No. 50-0297. A duplicate copy of this sheet is enclosed.

4. a. X A check in the amount of \$380.00 is enclosed.  
b. \_ The filing fee to be paid later with surcharge [pursuant to 37 CFR § 1.53(d)].

5. \_ Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

6. X Amend the specification by inserting before the first line the sentence:

This application is a X continuation \_ division of application Serial No. 08/474,927, filed **June 7, 1995**, which is incorporated herein by reference.

[Note: If priority under 35 U.S.C. 120 involves a series of respectively copending applications, then in this amendment identify each and its relationship to its immediate predecessor.]

7. a. \_ A verified statement claiming small entity status is enclosed. [Note: Such a statement may be filed within two months with a request for refund of overpayment, under 37 CFR § 1.28(a)].  
b. X A verified statement claiming small entity status was filed in the prior application, Serial No. 08/474,927, filed June 7, 1995. Status as a small entity is still proper and is desired and claimed herein.
8. a. \_ Transfer the drawings from the pending prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by 37 CFR § 1.138 and before payment of issue fee.)  
b. \_ New formal drawings are enclosed.
9. a. \_ Priority of foreign Application No(s). \_ filed on \_ in \_, respectively, is claimed under 35 U.S.C. 119.  
b. \_ A certified copy of said foreign priority application(s) was filed in prior U.S. application Serial No. \_ filed \_. Acknowledgement thereof is requested.
10. X The prior application is assigned of record to IGEN International, Inc.
11. X A preliminary amendment is intended.

12. X The power of attorney in the prior application is to Barry Evans, Reg. No. 22,802.
- a. X The power appears in the original papers in the prior application.
- b. — Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
13. — Original title and original applicant(s) of prior U.S. application, if different from above:
14. — Also enclosed: Information Disclosure Statement.
15. X Address all future communications to (may only be completed by applicant, or attorney, or agent of record):

**Attention of: Barry Evans, Esq.**  
**WHITMAN BREED ABBOTT & MORGAN LLP**  
**200 Park Avenue**  
**New York, New York 10166**

16. X Any extension of time necessary to maintain the copendency of the prior application and to allow the timely filing of this application is hereby requested. Please charge the fee for the extension of time, if not otherwise paid, to Deposit Account No. 50-0297. A duplicate copy of this sheet is enclosed for filing in the prior application file.

Date: **January 10, 2000**

WHITMAN BREED ABBOTT & MORGAN LLP

By: \_\_\_\_\_

*Pamela C. Ancona*  
 Barry Evans  
 Reg. No. 22,802  
 Pamela C. Ancona  
 Reg. No. 41,494  
 Attorney/Agent of record  
 (or filed under 37 CFR § 1.34)  
 Telephone: (212) 351-3000

PATENT APPLICATION SERIAL NO. \_\_\_\_\_

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

Repl. Ref: 01/24/2000 AGRAY1 0000551100  
BOL:500297 Name/Number:09400544  
FC: 704 \$35.00 CR

01/24/2000 AGRAY1 00000076 09400544  
01 FC:201 345.00 OP